

UNITED STATES COURT DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA

-against

BLAISE CAROLEO

NOTICE OF MOTION

17 CR 177 (ENV)

Defendant

-----X

PLEASE TAKE NOTICE, that upon the annexed affidavit of MARION A. SELTZER, and all prior proceedings had herein and documents attached hereto, the defendant, BLAISE CAROLEO by his attorney, will move this court Pursuant to Rule 12 (b) Federal Rules of Criminal Procedure

- 1) To dismiss Counts One and Two of the Indictment based on a violation of the Eighth Amendment to the Constitution,
- 2) To dismiss Count Three based on a violation of the Eighth Amendment to the U.S. Constitution.
- 3) To dismiss Count Four based on a violation of the Eighth Amendment to the U.S. Constitution
- 4) To dismiss Count Five based on a violation of the Eighth Amendments to the U.S. Constitution and because of Prosecutorial Vindictiveness,
- 5) To dismiss Count Six, Seven and Eight of the Indictment based on a violation of the Eighth Amendment of the U.S. Constitution and because of Prosecutorial Vindictiveness and
- 6) To dismiss Count Nine of the Indictment because of Prosecutorial Vindictiveness and the

Fourth Amendment

- 7) Striking the alias “Nimfeater” from the caption of the indictment.
- 8) Requiring the government to respond to the request for a Bill of Particulars attached to Exhibit A; and to require that the government to fulfill its Fed. R. Crim. Proc. Rule 16 obligations or be precluded from introducing certain evidence at trial.
- 9) To grant defendants’ motion to suppress the fruits of the search and seizure of his cell phone on or about September 9, 2016 and to Suppress all the fruits of a search of his home on or about October 11, 2016 and
- 10) To grant defendant’s motion to suppress the items referenced above because of the government failure to comply with Rule 41 of the Federal Rules of Criminal Procedure.

Yours etc.,

Marion Seltzer

Attorney for Blaise Caroleo

1725 York Avenue - Suite 16B
New York, New York 10128
Telephone: (212) 289-8798

MarionSeltzer23@gmail.com

Dated: New York, New York
June 5, 2019